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10/563,589	01/06/2006	Takahiro Yamada	283620US6PCT	3668
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER RENNER, CRAIG A	
			ART UNIT 2627	PAPER NUMBER
			NOTIFICATION DATE 11/30/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

**Application No.**

10/563,589

**Applicant(s)**

YAMADA ET AL.

**Examiner**

Craig A. Renner

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5 and 7-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 7-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10 September 2007</u> .                                       | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. Reference AA has been lined through as this reference has already been cited and considered on the PTO-892 filed 25 September 2006.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following is suggested:

--DISK RECORDING/REPRODUCING APPARATUS WITH CARTRIDGE DROP  
PREVENTING MECHANISM HAVING ELASTIC FLAP PORTION--.

3. The disclosure is objected to because of the following informality:

In line 4 of claim 10, "the elastic flap" should be changed to --the elastic flap portion-- in order to more clearly refer back to that set forth in line 16 of independent claim 1. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. In lines 4-5 of claim 10, it is indefinite as to whether "the recording/reproducing position" refers to that set forth in lines 6-7 of independent claim 1, or that set forth in line 3 of claim 10.

b. In line 5 of claim 10, it is indefinite as to whether "the insertion/removal position" refers to that set forth in lines 5-6 of independent claim 1, or that set forth in line 3 of claim 10.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 3-5, and 7-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsuda et al. (US 2005/0251816).

Matsuda et al. (US 2005/0251816) teaches a disk recording and/or reproducing apparatus (101) comprising a recording and/or reproducing means/mechanism (includes 104, for instance, in at least an equivalent structural sense) disposed in a chassis (103), the recording and/or reproducing means/mechanism recording and/or reproducing a disk cartridge (1); a cartridge holder (102) supported on the chassis movably between an insertion/removal position (as shown in FIG. 22, for instance), at which the disk cartridge is inserted or removed, and a recording/reproducing position (as shown in FIG. 1, for instance), at which the disk cartridge is recorded or reproduced by the recording and/or reproducing means/mechanism; an eject lever (105) disposed on the chassis so as to be movable in a disk cartridge insertion/removal direction (as shown in FIG. 4, for instance), the eject lever being pressed by an insertion end (3a) of the disk cartridge inserted in the cartridge holder to be moved in the disk cartridge insertion direction (as shown in FIG. 4, for instance); an urge means/mechanism (includes 106, for instance, in at least an equivalent structural sense) urging the eject lever in the disk cartridge removal direction; and a cartridge drop preventive means/mechanism (includes the unlabeled leaf-spring element shown in the lower left side of FIGS. 28B, 29B and 30B, for instance, in at least an equivalent structural sense) disposed on a side surface plate (102b) of a second side wall of the cartridge holder (as shown in FIGS. 28B, 29B and 30B, for instance), the cartridge drop preventive means/mechanism making a sliding contact with a side surface of the disk cartridge stored in the cartridge holder (as shown in FIGS. 28B, 29B and 30B, for instance), including an elastic flap portion provided on the second side wall of the cartridge holder

opposite a first side wall facing a reproducing/recording opening portion (as shown in FIGS. 28B, 29B and 30B, for instance), and a rear-anchor portion of the elastic flap portion being connected to the second side wall (as shown in FIGS. 28B, 29B and 30B, for instance), and a leading end of the elastic flap portion oriented toward the insertion/removal position (as shown in FIGS. 28B, 29B and 30B, for instance), giving the disk cartridge stored in the cartridge holder a braking force (as shown in FIGS. 28B, 29B and 30B, for instance); and a protruded portion disposed on a leading end portion of the elastic flap portion (as shown in FIGS. 28B, 29B and 30B, for instance), the protruded portion making a sliding contact with the side surface of the disk cartridge (as shown in FIGS. 28B, 29B and 30B, for instance), wherein the disk cartridge has a side surface (3a) formed into an arc on the side of the insertion end (as shown in FIG. 1, for instance) [as per claims 1 and 13]; wherein the disk cartridge includes a recessed portion (61) disposed in part of the side surface thereof; and when storage of the disk cartridge in the cartridge holder is completed, the protruded portion of the cartridge drop preventive means fits into the recessed portion (as shown in FIGS. 28B, for instance) [as per claim 3]; wherein the disk cartridge further includes a groove portion (41) disposed in part of the side surface thereof; and when the disk cartridge is unloaded from the cartridge holder, the protruded portion first makes a sliding contact with the side surface of the disk cartridge and then fits into the groove portion (as shown in FIGS. 29B and 30B, for instance) [as per claim 4]; wherein the disk cartridge further includes an opening portion (34) that allows a disk (2) stored to face an outside and a shutter member (4) that is locked in a position of closing the opening portion (as shown

in FIG. 12, for instance) and disposed so as to be movable between a position of opening the opening portion (as shown in FIG. 13, for instance) and the position of closing the opening portion (as shown in FIG. 12, for instance); and a side surface plate (102c) opposing the side surface plate including the recessed portion has a shutter lock release member (116) for releasing locking of the shutter member [as per claim 5]; wherein the cartridge drop preventive means is formed (as shown in FIGS. 28B, 29B and 30B, for instance) [as per claim 7]; wherein the eject lever is configured to push against a front of the disk cartridge when disposed in the apparatus (as shown in FIG. 4, for instance) [as per claim 8]; wherein the cartridge holder is supported rotatably on the chassis so as to be rotatable in an open position for receiving the disk cartridge (as shown in FIG. 10A, for instance), and rotatable to a closed position (as shown in FIG. 9A, for instance) [as per claim 9]; wherein the elastic flap portion is configured to move along the first side wall of the cartridge holder while the disk cartridge moves from a recording/reproducing position to an insertion/removal position (as shown in FIGS. 28B, 29B and 30B, for instance), the leading end of the elastic flap being configured to fit in a recessed portion (61) of the disk cartridge at the recording/reproducing position, and fit into a groove (41) at the insertion/removal position [as per claim 10]; wherein the apparatus is configured to be mounted to a side of an outer housing (302) [as per claim 11]; and wherein the apparatus further comprises the outer housing, and the outer housing includes a plurality of control keys (304) disposed on a side of the housing opposite the side of the outer housing on which the recording/reproducing apparatus is mounted [as per claim 12].

As the claims are directed to a "disk recording and/or reproducing apparatus", per se, the method limitation(s) appearing in lines 3-4 of claim 7 can only be accorded weight to the extent that they affect the structure of the completed disk recording and/or reproducing apparatus. Note that "[d]etermination of patentability in 'product-by-process' claims is based on product itself, even though such claims are limited and defined by process [i.e., "cutting and raising the side surface plate of the cartridge holder", for instance], and thus product in such claim is unpatentable if it is the same as, or obvious form, product of prior art, even if prior product was made by a different process", *In re Thorpe, et al.*, 227 USPQ 964 (CAFC 1985). Furthermore, note that a "[p]roduct-by-process claim, although reciting subject matter of claim in terms of how it is made [i.e., "cutting and raising the side surface plate of the cartridge holder", for instance], is still product claim; it is patentability of product claimed and not recited process steps that must be established, in spite of fact that claim may recite only process limitations", *In re Hirao and Sato*, 190 USPQ 685 (CCPA 1976).

8. Claims 1, 3, 7-11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Publication No. 2004-079046.

Japanese Publication No. 2004-079046 teaches a disk recording and/or reproducing apparatus comprising a recording and/or reproducing means/mechanism (includes 72, for instance, in at least an equivalent structural sense) disposed in a chassis (1), the recording and/or reproducing means/mechanism recording and/or reproducing a disk cartridge (60); a cartridge holder (2) supported on the chassis



movably between an insertion/removal position (as shown in FIG. 6(a), for instance), at which the disk cartridge is inserted or removed, and a recording/reproducing position (as shown in FIGS 9 and 10, for instance), at which the disk cartridge is recorded or reproduced by the recording and/or reproducing means/mechanism; an eject lever (5) disposed on the chassis so as to be movable in a disk cartridge insertion/removal direction (as shown in FIG. 12(a) and 12(b), for instance), the eject lever being pressed by an insertion end of the disk cartridge inserted in the cartridge holder to be moved in the disk cartridge insertion direction (paragraph [0013], for instance); an urge means/mechanism (includes 8, for instance, in at least an equivalent structural sense) urging the eject lever in the disk cartridge removal direction (as shown in FIGS. 7(a) and 7(b), for instance); and a cartridge drop preventive means/mechanism (includes 30, for instance, in at least an equivalent structural sense) disposed on a side surface plate of a second side wall of the cartridge holder (as shown in FIG. 18(a), for instance), the cartridge drop preventive means/mechanism making a sliding contact with a side surface of the disk cartridge stored in the cartridge holder (as shown in FIG. 18(a), for instance), including an elastic flap portion (between 30 and 32) provided on the second side wall of the cartridge holder opposite a first side wall facing a reproducing/recording opening portion (as shown in FIG. 18(a), for instance), and a rear-anchor portion of the elastic flap portion being connected to the second side wall (as shown in FIG. 18(a), for instance), and a leading end of the elastic flap portion oriented toward the insertion/removal position (as shown in FIG. 18(a), for instance), giving the disk cartridge stored in the cartridge holder a braking force (as shown in FIG. 18(a), for

instance); and a protruded portion (30) disposed on a leading end portion of the elastic flap portion (as shown in FIG. 18(a), for instance), the protruded portion making a sliding contact with the side surface of the disk cartridge (as shown in FIG. 18(a), for instance), wherein the recording and/or reproducing apparatus inherently has the capability of accepting a disk cartridge that has a side surface formed into a wide arc on a side of an insertion end [as per claims 1 and 13]; wherein the disk cartridge includes a recessed portion (64) disposed in part of the side surface thereof; and when storage of the disk cartridge in the cartridge holder is completed, the protruded portion of the cartridge drop preventive means fits into the recessed portion (as shown in FIG. 18(a), for instance) [as per claim 3]; wherein the cartridge drop preventive means is formed (as shown in FIG. 15, for instance) [as per claim 7]; wherein the eject lever is configured to push against a front of the disk cartridge when disposed in the apparatus (as shown in FIGS. 6(b) and 7(b), for instance) [as per claim 8]; wherein the cartridge holder is supported rotatably on the chassis so as to be rotatable in an open position for receiving the disk cartridge (as shown in FIG. 19(a), for instance), and rotatable to a closed position (as shown in FIG. 19(b), for instance) [as per claim 9]; wherein the elastic flap portion is configured to move along the first side wall of the cartridge holder while the disk cartridge moves from a recording/reproducing position to an insertion/removal position (as shown in FIGS. 18(a) and 18(b), for instance), the leading end of the elastic flap being capable of fitting in a recessed portion of the disk cartridge at the recording/reproducing position, and capable of fitting into a groove at the

insertion/removal position [as per claim 10]; and wherein the apparatus is capable of being mounted to a side of an outer housing [as per claim 11].

As the claims are directed to a "disk recording and/or reproducing apparatus", per se, the method limitation(s) appearing in lines 3-4 of claim 7 can only be accorded weight to the extent that they affect the structure of the completed disk recording and/or reproducing apparatus. Note that "[d]etermination of patentability in 'product-by-process' claims is based on product itself, even though such claims are limited and defined by process [i.e., "cutting and raising the side surface plate of the cartridge holder", for instance], and thus product in such claim is unpatentable if it is the same as, or obvious form, product of prior art, even if prior product was made by a different process." See *In re Thorpe, et al.*, supra. Furthermore, note that a "[p]roduct-by-process claim, although reciting subject matter of claim in terms of how it is made [i.e., "cutting and raising the side surface plate of the cartridge holder", for instance], is still product claim; it is patentability of product claimed and not recited process steps that must be established, in spite of fact that claim may recite only process limitations." See *In re Hirao and Sato*, supra.

Likewise, as the claims are directed to a "disk recording and/or reproducing apparatus", per se, the disk cartridge limitations appearing in line 23 in each of claims 1 and 13 and lines 4-5 of claim 10 can only be accorded weight to the extent that it affects the structure of the completed disk recording and/or reproducing apparatus. In this instance, it only affects the structure of the completed disk recording and/or reproducing

apparatus such that the disk recording and/or reproducing apparatus must merely be capable of accepting the disk cartridge as claimed.

9. Claims 1, 3, 7-11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Eum et al. (US 5,610,890).

Eum et al. (US 5,610,890) teaches a disk recording and/or reproducing apparatus comprising a recording and/or reproducing means/mechanism (includes 119, for instance, in at least an equivalent structural sense) disposed in a chassis (110), the recording and/or reproducing means/mechanism recording and/or reproducing a disk cartridge (1); a cartridge holder (20) supported on the chassis movably between an insertion/removal position (as shown in FIG. 6, for instance), at which the disk cartridge is inserted or removed, and a recording/reproducing position, at which the disk cartridge is recorded or reproduced by the recording and/or reproducing means/mechanism (as shown by arrow a2 in FIG. 6, for instance); an eject lever (50) disposed on the chassis (i.e., via cartridge holder) so as to be movable in a disk cartridge insertion/removal direction, the eject lever being pressed by an insertion end of the disk cartridge inserted in the cartridge holder to be moved in the disk cartridge insertion direction (lines 8-10 in column 6, for instance); an urge means/mechanism (includes 53, for instance, in at least an equivalent structural sense) urging the eject lever in the disk cartridge removal direction (as shown in FIG. 5, for instance); and a cartridge drop preventive means/mechanism (includes 100, for instance, in at least an equivalent structural sense) disposed on a side surface plate of a second side wall of the cartridge holder (as

shown in FIG. 5, for instance), the cartridge drop preventive means/mechanism making a sliding contact with a side surface of the disk cartridge stored in the cartridge holder (as shown in FIGS. 12-14, for instance), including an elastic flap portion (as shown in FIG. 12, for instance) provided on the second side wall of the cartridge holder opposite a first side wall facing a reproducing/recording opening portion (as shown in FIG. 12, for instance), and a rear-anchor portion of the elastic flap portion being connected to the second side wall (as shown in FIG. 12, for instance), and a leading end of the elastic flap portion oriented toward the insertion/removal position (as shown in FIG. 12, for instance), giving the disk cartridge stored in the cartridge holder a braking force; and a protruded portion (102) disposed on a leading end portion of the elastic flap portion (as shown in FIG. 12, for instance), the protruded portion making a sliding contact with the side surface of the disk cartridge (as shown in FIGS. 12-14, for instance), wherein the recording and/or reproducing apparatus inherently has the capability of accepting a disk cartridge that has a side surface formed into a wide arc on a side of an insertion end [as per claims 1 and 13]; wherein the disk cartridge includes a recessed portion (12) disposed in part of the side surface thereof; and when storage of the disk cartridge in the cartridge holder is completed, the protruded portion of the cartridge drop preventive means fits into the recessed portion (as shown in FIG. 14, for instance) [as per claim 3]; wherein the disk cartridge further includes a groove portion disposed in part of the side surface thereof (adjacent 12 as shown in FIG. 1A, for instance); and when the disk cartridge is unloaded from the cartridge holder, the protruded portion first makes a sliding contact with the side surface of the disk cartridge (as shown in FIG. 12, for

instance) and then would inherently fit into the groove portion [as per claim 4]; wherein the disk cartridge further includes an opening portion (3 or 4) that allows a disk (9) stored to face an outside and a shutter member (5) that is locked in a position of closing the opening portion and disposed so as to be movable between a position of opening the opening portion and the position of closing the opening portion (lines 39-41 in column 1, for instance); and a side surface plate opposing the side surface plate including the recessed portion has a shutter lock release member (22, for instance) for releasing locking of the shutter member [as per claim 5]; wherein the cartridge drop preventive means is formed (as shown in FIG. 15, for instance) [as per claim 7]; wherein the eject lever is configured to push against a front of the disk cartridge when disposed in the apparatus (as shown in FIG. 12, for instance) [as per claim 8]; wherein the cartridge holder is supported rotatably on the chassis so as to be rotatable in an open position for receiving the disk cartridge (as shown in FIG. 11, for instance), and rotatable to a closed position (as shown in FIG. 14, for instance) [as per claim 9]; wherein the elastic flap portion is configured to move along the first side wall of the cartridge holder while the disk cartridge moves from a recording/reproducing position to an insertion/removal position (as shown in FIGS. 12-14, for instance), the leading end of the elastic flap being configured to fit in a recessed portion (12) of the disk cartridge at the recording/reproducing position, and fit into a groove (adjacent 12 as shown in FIG. 1A, for instance) at the insertion/removal position [as per claim 10]; and wherein the apparatus is capable of being mounted to a side of an outer housing [as per claim 11].

As the claims are directed to a “disk recording and/or reproducing apparatus”, per se, the method limitation(s) appearing in lines 3-4 of claim 7 can only be accorded weight to the extent that they affect the structure of the completed disk recording and/or reproducing apparatus. Note that “[d]etermination of patentability in ‘product-by-process’ claims is based on product itself, even though such claims are limited and defined by process [i.e., “cutting and raising the side surface plate of the cartridge holder”, for instance], and thus product in such claim is unpatentable if it is the same as, or obvious form, product of prior art, even if prior product was made by a different process.” See *In re Thorpe, et al.*, supra. Furthermore, note that a “[p]roduct-by-process claim, although reciting subject matter of claim in terms of how it is made [i.e., “cutting and raising the side surface plate of the cartridge holder”, for instance], is still product claim; it is patentability of product claimed and not recited process steps that must be established, in spite of fact that claim may recite only process limitations.” See *In re Hirao and Sato*, supra.

Likewise, as the claims are directed to a “disk recording and/or reproducing apparatus”, per se, the disk cartridge limitations appearing throughout the claims can only be accorded weight to the extent that they affect the structure of the completed disk recording and/or reproducing apparatus. In this instance, they only affect the structure of the completed disk recording and/or reproducing apparatus such that the disk recording and/or reproducing apparatus must merely be capable of accepting the disk cartridge as claimed.

***Response to Arguments***

10. Applicant's arguments filed 10 September 2007 have been fully considered but they are not persuasive.

The applicant argues that "neither Matsuda, JP 2004-079046, nor Eum teach or suggest an elastic flap as claimed, provided on a wall opposite the wall adjacent to the reproducing/recording opening portion." This argument, however, is not found to be persuasive as each of the relied upon prior art, *supra*, does teach an elastic flap provided on a wall opposite the wall adjacent to the reproducing/recording opening portion, especially in as broad as the term "adjacent" may be construed, as detailed in paragraphs 7-9, *supra*. In fact, even reading this limitation in light of applicant's specification, applicant's flap portion is mounted on the same wall as in the relied upon prior art, *supra*.

The applicant further contends that "none of the references teach or suggest the protruded portion oriented toward the ejection direction." This argument, however is not found to be persuasive as the claims do not call for the "protruded portion" to be "oriented toward the ejection direction." See 37 CFR. § 1.111(b). The claims merely set forth "a protruded portion disposed on a leading end portion of the elastic flap portion, the protruded portion making sliding contact with a side surface of the disk cartridge." The relied upon prior art each teach a protruded portion disposed on a leading end portion of the elastic flap portion, the protruded portion making sliding contact with a side surface of the disk cartridge as detailed in paragraphs 7-9, *supra*.



***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

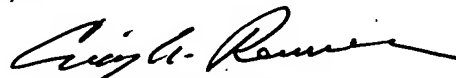
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig A. Renner whose telephone number is (571) 272-7580. The examiner can normally be reached on Tuesday-Friday 9:00 AM - 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Craig A. Renner  
Primary Examiner  
Art Unit 2627

CAR